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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,458	08/14/2000	ANDREAS SASSE	RBL0064	3399

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09/27/2002

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EXAMINER

SHARMA, SUJATHA R

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 09/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/600,458

Applicant(s)

SASSE, ANDREAS

Examiner

sujatha sharma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>9</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.

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- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Lehtonen [WO 97/32439].

The reference cited above is included in the applicant's information disclosure statement.

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Regarding claim 1, Lehtonen discloses a communication network terminal supporting a plurality of applications. Lehtonen further discloses a terminal assisted menu presentation of various services, which are loaded into the mobile station from service providers/value added service nodes. Lehtonen further discloses a method where the applications are loaded and stored both in the permanent memory of the mobile terminal as well as in a memory of an external smart card such as a SIM (subscriber identity module) card. Lehtonen further discloses a method where the operator executes the applications over the air interface. Lehtonen further discloses the application to comprise of programs, functions and /data that assist in the communication between the subscriber and the value added service node. See abstract, page 3, lines 20-23; pages 13-16 ; pages 19 –22; page 29, lines 20-33; page 30.

Regarding claims 2 and 3, Lehtonen further discloses a method where the applications/objects are loaded via the aerial interface. Lehtonen further discloses a method where the applications are loaded and modified by the operators. See page 3 and page 14, lines 2-17.

Regarding claim 4, Lehtonen further discloses the method of displaying the applications/objects in a menu application. See page 14, lines 2-41.

Regarding claim 5, Lehtonen further discloses a method where an application enables the response to a query by means of another application. See page 11, lines 28-38.

Regarding claim 6, Lehtonen further discloses a method where the applications are stored in a central database/server and is loaded into the mobile station. See page 3, lines 20-23.

Regarding claims 7 and 8, Lehtonen further discloses a method where the applications are loaded and stored both in the permanent memory of the mobile terminal as well as in a memory of an external smart card such as a SIM (subscriber identity module) card.

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Regarding claim 9, Lehtonen further discloses the method of transferring, activating, modifying and updating taking place via SMS/GPRS. See page 3, line 4-page 4, line 11.

Regarding claim 10, Lehtonen further discloses a method where keys/combination of keys are allocated by the applications to indicate functions of Value added services. See page 21, lines 1-31

Regarding claims 11 and 12, Lehtonen further discloses a method where the loading of the application(s) is carried out by selected events initiated by the subscriber. See page 3 and page 11.

Regarding claims 13 and 14, Lehtonen further discloses a method where the applications adapt to the terminal settings and is checked before the application can be used. See page 12, lines 11-32; page 20, lines 30-34; page 31, lines 31-37.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehtonen [WO 97/32439] IN VIEW OF Eul [DE 196 10 840].

Lehtonen as treated in claim 1 does not disclose a method of checking the technical capability of the mobile terminal and the adaptability of the application according to the technical capability of the terminal.

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Eul teaches a method where the terminal capability is checked and the application adapted according to the technical capability of the mobile terminal. See column 5, lines 11-42.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the above teachings of Eul in Lehtonen's teaching in order to launch the applications that can be handled by technical capability of the mobile terminal.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dickinson [WO 94/17481] discloses a business card system.

Wright [US 5,426,594] discloses an electronic greeting card store and communication system.

Norman [US 5,485,505] discloses an apparatus and method for remotely initiating operation of a cellular telephone.

Kagan [US 5,618,045] discloses an interactive multiple player game system and method of playing a game between at least two players.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone numbers for the organization where this application or proceeding is assigned and for all official communications is 703-872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.



Sujatha Sharma
September 24, 2002


9/24/02

NGUYEN T. VO
PRIMARY EXAMINER